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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S EMERGENCY MOTION
IN LIMINE RE: OPTION DAMAGES**

This matter comes before the Court on Plaintiff's Emergency Motion *in Limine* Re: Option Damages. The Court has considered the Motion, any supporting material and argument of counsel. After considering the papers submitted by the parties and the argument of counsel, it is **HEREBY ORDERED** that Plaintiff's motion is **GRANTED** and **ORDERS** that Defendants are precluded from introducing at trial any argument, testimony, or evidence: (i) against Plaintiff's use of actual market prices to construct the "actual" curve for purposes of measuring option damages; (ii) concerning previous option damages methodologies which are no longer relevant in this action, such as the "impact quantum" model or the use of CBOE implied volatilities; and (iii) concerning the opinions expressed by Professor Seru in his supplemental report.

IT IS SO ORDERED.

Dated: _____

Hon. Edward M. Chen
United States District Judge